

Honorable Ronald B. Leighton



06-CV-05598-JGM

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA BY DEPUTY	

Court Use only above this line.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FOSS MARITIME CO., a Washington  
corporation,,

Plaintiff,

vs.

F.V. "JYSHEN NO. 36," a/k/a "BIG SUN #35",  
her engines, machinery, appurtenances, etc., in  
rem,

Defendant.

NO. C06- 05598RBL

**DEFAULT JUDGMENT IN REM AND  
IN PERSONAM, AND AWARD OF  
LEGAL FEES AND COSTS AND  
ORDER FOR SALE**

THIS MATTER comes before the Court upon the ex-parte motion of Foss Maritime Company for (1) entry of default judgment in rem against the defendant vessel F.V. "JYSHEN NO. 36," a/k/a "BIG SUN #35," (2) an award of legal fees, and (3) an order of sale of the defendant vessel. This motion is supported by the affidavit of David R. West and the records and files herein. After due consideration of such motion and affidavits, and the Court being otherwise advised in the premises, it is:

ORDERED that the maritime lien of plaintiff Foss Maritime Company on the F.V. "JYSHEN NO. 36," a/k/a "BIG SUN #35," her engines, machinery, appurtenances, etc., is

1 hereby foreclosed; and it is further

2 ORDERED that Foss Maritime Company shall have in rem judgment against the F.V.  
3 "JYSHEN NO. 36," a/k/a "BIG SUN #35," her engines, machinery, appurtenances, etc., in the  
4 amount of \$281,143.17, together with prejudgment interest in the sum of \$92,390.43, plus 18%  
5 interest on the sum of \$281,143.17 from July 1, 2007 to the date of this order, and interest  
6 thereafter as prescribed by U.S.C. § 1961; and it is further

7 ORDERED that Foss Maritime Company shall have in rem judgment against the F.V.  
8 "JYSHEN NO. 36," a/k/a "BIG SUN #35," her engines, machinery, appurtenances, etc., in the  
9 amount of \$12,802.50, representing reasonable legal fees to date in the prosecution of the  
10 foreclosure of the plaintiff's claim against the F.V. "JYSHEN NO. 36," a/k/a "BIG SUN #35;"  
11 and it is further

12 ORDERED that the United States Marshal shall, pursuant to Local Admiralty Rule 145  
13 and 150, cause the F.V. "JYSHEN NO. 36," a/k/a "BIG SUN #35," her engines, machinery,  
14 appurtenances, etc., to be sold, free of all liens and encumbrances on a date and at a time  
15 hereafter arranged and agreed to by plaintiff and the U.S. Marshal; and it is further

16 ORDERED that at the sale by the U.S. Marshal of the F.V. "JYSHEN NO. 36," a/k/a  
17 "BIG SUN #35," plaintiff shall be permitted to bid all or a part of its judgments hereunder  
18 without cash deposit, plus accrued interest and costs in custodian legis.

19 DATED this 6<sup>th</sup> day of August, 2007.

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UNITED STATES DISTRICT JUDGE

JUL-18-2007 WED 11:56 AM U.S. MARSHALS, SEATTLE WA

FAX NO. 206 370 8670

P. 04


1 *Presented by:*

2 GARVEY SCHUBERT BARER

3  
4 By 

5 David R. West, WSBA #13680  
6 Attorneys for Plaintiff  
7 Foss Maritime Co.

8 *Approved for Entry:*

9 *for*  
10 By   
11 UNITED STATE MARSHAL  
12 Western District of Washington  
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DEFAULT JUDGMENT IN REM AND IN PERSONAM, AND  
AWARD OF LEGAL FEES AND COSTS AND ORDER FOR  
SALE (NO. C06-05598RBL) - 3  
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